

(Attorney list on signature page)

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE Bank of America Corp. Auction Rate
Securities Marketing Litigation:

This Document Relates to:

Bondar v. Bank of America Corp., et al.

No. C 08-2599 (JSW)

Aeroflex Inc. v. Bank of America Corp., et al.

No. C 09-5245 (JSW)

MDL No. 09-2014

**STIPULATION AND ~~PROPOSED~~
ORDER RESCHEDULING THE
HEARING ON DEFENDANTS'
MOTION TO DISMISS AS MODIFIED**

Hon. Jeffrey S. White

Class Plaintiffs in *Bondar v. Bank of America Corp.*, No. C 08-2599 (JSW), Plaintiff Aeroflex Incorporated in the individual action, *Aeroflex Inc. v. Bank of America Corp., et al.*, No. C 09-5425 (JSW) (collectively, "Plaintiffs"), and Defendants Bank of America Corporation, Banc of America Securities LLC, and Banc of America Investment Services, Inc. (collectively, "Defendants"), by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, Defendants' motion to dismiss Plaintiffs' Consolidated Class Action and Individual Complaint for Violations of Federal Securities Laws is currently pending before this Court;

WHEREAS, this Court issued an order on March 29, 2010 setting the hearing on Defendants' motion to dismiss for Friday, October 1, 2010 at 9:00 a.m.;

WHEREAS, Defendants' lead counsel, who attended the hearing on Defendants' previous motion to dismiss, is unavailable on October 1 because he will be participating in an arbitration in New York;

WHEREAS, the next available date on the Court's calendar for the hearing on Defendants' motion to dismiss is Friday, October 8, 2010;

WHEREAS, the parties agree, subject to this Court's approval, to reschedule the

hearing on Defendants' motion to dismiss for October 8, 2010 at 9:00 a.m.;

IT IS THEREFORE STIPULATED AND AGREED, by and between Plaintiffs and Defendants, acting through their respective counsel, subject to this Court's approval, that the hearing on Defendants' motion to dismiss shall be set for Friday, October 8, 2010, at 9:00 a.m.

Dated: September 17, 2010

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I attest that concurrence in the filing of this document has been obtained by Aaron M.
Sheanin and Stewart H. Foreman.

Dated: September 17, 2010

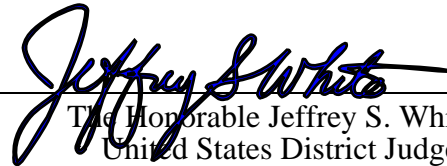
By: _____/s/
Aaron M. Rofkahr

PROPOSED ORDER

Having reviewed the above stipulation, **IT IS HEREBY ORDERED** that the hearing on October 15, 2010 Defendants' motion to dismiss shall be set for Friday, ~~October 8, 2010~~, at 9:00 a.m.

PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

Date: September 17__, 2010


The Honorable Jeffrey S. White
United States District Judge

The parties are HEREBY ADVISED that they must notice motions in this case on open and available dates for terminal digits "1" or "2".